



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bachmann *et al.*

Appl. No.: 10/622,064

Filed: July 18, 2003

For: **Hapten-Carrier Conjugates and  
Uses Thereof**

Confirmation No.: 5977

Art Unit: 1648

Examiner: Mosher, Mary

Atty. Docket: 1700.0300001/BJD/SJE

**Reply to Restriction and Election of Species Requirements**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated September 17, 2004, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby elect to prosecute the invention of Group I, represented by claims 1-68. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. In reply to the Election of Species Requirement in the same Office Action, Applicants hereby provisionally elect nicotine as the hapten species (as recited in claim 35), and a Virus-Like Particle of RNA bacteriophage Q $\beta$  as the carrier (as recited in claim 10). These elections are made without prejudice to or disclaimer of the other claims or inventions disclosed. In accordance with 37 C.F.R. § 1.141(a), Applicants also reserve the right to claim additional species, and/or to have additional species searched and/or examined, in the event that a generic claim is found to be allowable.

This election is made **with** traverse. The criteria for a proper requirement for restriction are that (1) the inventions must be independent or distinct as claimed; **and** (2) there must be a serious burden on the Examiner if restriction is not required. MPEP § 803.

First, Applicants respectfully assert that examining all claims together does not constitute a serious burden on the Examiner. Second, Applicants respectfully assert that at least the claims of Groups I and III are drawn to related subject matter, and note that the Examiner has classified the claims of both groups in the same class (class 530). As such, a search of one group of claims is likely to encompass subject matter pertinent to the patentability of both groups. Hence, for this additional reason, Applicants respectfully assert that a serious burden would not be imposed on the Examiner if the claims of Groups I and III were rejoined. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the Restriction Requirement as it applies to all pending claims, or reconsider and rejoin Groups I and III.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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